

1 SKYRYSE, INC.,
2 Counterclaimant,
3 vs.
4 MOOG INC.,
5 Counter-Defendant.

Judge: Hon. George H. Wu

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1 **TO THE ABOVE CAPTIONED COURT, AND TO ALL PARTIES**
2 **AND THEIR ATTORNEYS OF RECORD:**

3 Pursuant to Local Rule 79-5 *et seq.*, Plaintiff and Counter-Defendant Moog
4 Inc. (“Moog”) hereby submits this application for an order permitting it to file under
5 seal certain excerpts and documents (the “Designated Materials”) from Moog’s
6 Motion to Enforce Compliance with the March 11, 2022 Stipulated TRO (Dkt. 25),
7 and for Monetary and Adverse Inference Sanctions for Contempt and Spoliation (the
8 “Motion”).

9 Moog submits that compelling reasons exist to permit the Designated
10 Materials to be filed under seal. The Designated Materials include documents that
11 have been identified as Protected Material pursuant to the Protective Order entered
12 in this action on May 6, 2022 (the “Protective Order”) (Dkt. 89) and excerpts from
13 the Motion and concurrently-filed declarations of Kazim Naqvi, Bruce Pixley and
14 Kevin Crozier that reference, describe, or cite to those documents. The material that
15 Moog requests to file under seal is the type of information that Moog does not make
16 public, does not share with competitors, and keeps confidential in its business. If
17 disclosed publicly, it could be used by Moog’s competitors to secure unfair
18 competitive advantage and cause irreparable business harm. Specifically, Moog
19 seeks to file the following Designated Materials under seal: (1) highlighted portions
20 of Moog’s Memorandum of Points and Authorities in Support of its Motion at pages
21 18:20-21; (2) highlighted portions of the Declaration of Bruce Pixley at pages 9:4-
22 21; 10:5-6, 11-28; 11:1-3, 15-17; 13:22-23; 15:7-8; 16:1-2, 7, and the embedded
23 figure in the unredacted version at page 5; (3) highlighted portions of the
24 Declaration of Kevin Crozier at pages 7:11-13, 19-28; 8:2-17; 9:6, 10-28; 10:1-8,
25 23-25; 11:3-4; 13:1-2, 27-28; 14:19, 21-22, 24; 16:2; 18:6-27; 19:1, 11-14, 25-28;
26 20:1-28; 21:1-7; 21:19-21; 51:16-27; 52:1-24; 53:2-24; 54:1-7; 56:26; 57:1, 5, 9, 13,
27 17, 20; 61:13, and the embedded figures in the unredacted version at pages 15:2-12;
28 23:3-13; 24:2-13; 25:2-14; 26:2-20; 29:2-17; 31:2-21; 34:2-13; 36:2-20; 39:2-14;

1 40:2-20; 42:2-20; 45:2-12; 46:2-13; 47:2-12; 58:11-16; 59:2-24; (4) Exhibit B to the
2 Declaration of Kazim Naqvi; (5) Exhibits A, B, C, D, E, F, G, H, I, J, K, L to the
3 Declaration of Bruce Pixley; and (6) Exhibits A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-
4 11, A-12, B-1, B-2, B-3, B-5, B-6, B-7, C-1, C-2, C-4, C-5, C-6, E-1, E-2, E-5, F-3,
5 F-5, G-1, G-2 to the Declaration of Kevin Crozier.

6 Moog also seeks to provisionally lodge under seal the following Designated
7 Materials, which refer to, describe, or quote documents that Skyryse has identified
8 as Protected Material under the Protective Order, or which Moog believes that
9 Skyryse may consider to be Skyryse's own confidential information: (1) highlighted
10 portions of the Declaration of Bruce Pixley at pages 6:15, 24-28; 7:1-8, 14; 16:11-
11 12; 17:5-9, 12-15; 18:8-9, 12, 19, 21-27; 19:1, 10-14; (2) highlighted portions of the
12 Declaration of Kevin Crozier at pages 12:4-6; 13:8-11; 17:3-7; 22:14-16, 21-22;
13 28:11; 30:1; 32:1; 33:8; 35:1; 37:1; 38:11-12, 14-15; 40:1; 43:1; 44:14; 45:14;
14 46:15; 48:1; 49:19-22; 50:16-19; 51:9-11, 16-27; 52:1-24; 53:3-27; 54:1-7, 23-28;
15 55:1-3, 13-19; 56:2-7; 56:22-28; 57:3-23; 62:27; 63:1-4, 6, 8, 10-11, and the
16 embedded figures in the unredacted version at pages 15:16-23; 23:16-26; 24:15-27;
17 25:17-27; 27:1-26; 30:1-24; 32:1-22; 35:1-17; 37:1-23; 39:18-25; 41:1-19; 43:2-23;
18 45:14-26; 46:16-27; 48:1-17; 58:19-28; 60:2-24; 62:9-14; (4) Exhibits M, N, O, and
19 P to the Declaration of Bruce Pixley; and (5) Exhibits A-8, A-9, A-10, B-4, C-3, D-
20 1, D-2, D-3, D-4, D-5, D-6, E-3, D-4, F-1, F-2, F-4, G-3, H-1 to the Declaration of
21 Kevin Crozier. Accordingly, pursuant to paragraph 12.1 of the Protective Order,
22 Moog seeks to provisionally lodge these documents under seal until such time as
23 Skyryse withdraws its confidentiality designations or the Court rules on a
24 forthcoming application from Skyryse to justify that these documents, or portions of
25 thereof, remain under seal.

26 This application is further based upon the accompanying Declaration of
27 Kazim Naqvi in Support of this Application; any pleadings, files, and records in this
28 action; and any further evidence or argument as this Court may consider.

1 Moog's counsel conferred with Skyryse's counsel via e-mail on March 13,
2 2023 regarding all of the Skyryse Designated Materials referenced above, and
3 whether Skyryse contends that the filing of any such materials, or any portions
4 thereof, should be public. As of 9:00 a.m. on March 16, 2023, Skyryse's counsel had
5 not provided any response. Accordingly, Moog will conditionally lodge under seal
6 all Skyryse Designated Materials and any quotes or references thereto.

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8 Dated: March 16, 2023

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SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

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11 By

/s/ Kazim A. Naqvi

12 Kazim A. Naqvi

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14 Attorney for Plaintiff and Counter-Defendant
15 MOOG INC.

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